1000 transactions were handled. As a result of the ECRA process, 99 cleanups were completed in a 12-month period. While the act is targeted simply at sales and shutdowns, the impact of the law reaches much further and affects owners' land uses. If it is known that ECRA provisions will apply ultimately, certain practices and land uses tend to be avoided. Because new owners and the state can hold previous owners liable if ECRA provisions have not been complied with, contaminated properties cannot simply be dumped by owners using unsound environmental practices. Bankers have become extremely cautious about lending money to borrowers that may be liable under ECRA and have acted to monitor and reinforce ECRA provisions. Failure to follow ECRA prescriptions may involve heavy penalties of as much as $25,000 per day and the potential rescinding of transactions by either the DEP or the purchasee.

Massachusetts "Super Lien'9 An example of environmentally oriented changes in bankruptcy law is the Massachusetts Priority Lien provision of the Oil and Hazardous Material Cleanup Act, popularly known as "Super Lien." In common bankruptcy law, the order of disposal of assets is state and federal taxes, creditors, and shareholders. The Massachusetts law inserts the state cleanup authority into this order after taxes and before creditors, in order to provide funds for cleanup of contaminated facilities, soils, surface water, and ground water. Although this provides primarily for cleanup, it also provides economic incentive for property investors and creditors (mainly banks and other lending institutions) to assure that those facilities to which the loan or investment is directed take extra care with potentially polluting activities. It is difficult to measure the impact of the law on ground water protection because of the short time in which it has been in place and because of the rather indirect incentives that it provides. It does provide a significant remedial action mechanism that should provide some direct positive contribution to protecting water from degradation.

Conclusions and Recommendations

Land use control is a good complement to source control programs and can significantly increase the level of protection. The land use control programs reviewed were implemented at the county or municipal level (i.e., Massachusetts, New Jersey, New York, Connecticut, and Florida).

If provided with planning and technical support from the state and EPA, many localities can develop effective ground water protection programs employing land use controls. The committee recommends the following:

• Land use controls should be considered as part of a ground water protection program. Although land use controls are best carried out at the local level,